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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,735	08/13/2001	Ronald E. Sloan	60021.375702	1151

29838   7590   06/27/2006

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EXAMINER
GARG, YOGESH C

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/929,735	SLOAN ET AL.
Office Action Summary	Examiner	Art Unit	
	Yogesh C. Garg	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 April 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,9-13,16-18,21 and 24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,9-13,16-18,21 & 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment received on 4/27/2006 is acknowledged and entered. Claims 1,

9 and 17 are amended. Currently claims 1-5, 9-13, 16-18, 21 and 24 are pending for

examination.

Response to Arguments

2.1.   Applicant's arguments filed 4/27/2006, see Remarks, pages 8-9, with respect to currently

amended independent claims 1, 9 and 17 have been fully considered but are moot in view of the

new ground(s) of rejection necessitated due to amendments.

The Applicant argues, see Remarks, page 8, that the prior art of record does not teach

the newly added limitations, that is, " wherein the type of financial modeling.......and the live

financial advisor ", see currently amended claim 1. The examiner respectfully disagrees

because the prior art of record Ray (see at least col.9, lines 29-43) does teach presenting a

plurality of service levels to a user and allowing a user to select from any of three service levels:

Aexpert R.I.A, Aexpert Alert and Aexpert Manager which are unique combination of services,

that is different from each other. Further, the nature of content of service levels is non-functional

matter which does not impact the manipulative steps of the claimed process or the system, that

is not affecting functionally the steps of providing financial modeling/coaching, displaying

options, enabling and establishing a communication and selecting a service level. Irrespective of

the nature of content of service levels, the claimed process or the system components would

execute the steps of providing financial modeling/coaching, displaying options, enabling and

establishing a communication and selecting a service level.

In view of the foregoing the rejection of claims 1-5, 9-13, 16, 17-18, 21 and 24 under 35

U.S.C. 103(a) as being unpatentable over the prior art of record, that is Webline in view of Ray,

in view of Pustejovsky and further in view of Schileru-Key. This is a Final office action.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

.   Claims 1-5, 9-13, 16, 17-18, 21 and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Press release, "Kana and Webline Team to Provide Industry's Most

Comprehensive Online Customer Interaction Solution "; Business Wire; New York; Apr 20,

1999, pages 1-3, extracted on Internet from http://proquest.umi.com on 03/04/2003, hereinafter,

referred to as Webline in view of Ray et al. (US Patent 6,018,722), hereinafter, referred to as

Ray and in view of and in view of Pustejovsky et al. (US Publication: US 2001/0039493

A1), hereinafter referred to Pustejovsky and further in view of Schileru-Key (US Patent

6,388,688) .

3.1.   With regards to method claims 1-5, Webline teaches a method for providing a

communication medium over a wide area network, including the Internet, for the primary

purpose of providing a financial modeling and counseling system comprising:

        providing automated financial coaching in a web-based environment; displaying to a

user a plurality of communication options with a live financial advisor in said web page

environment; and enabling a communication medium between said user and a live financial

advisor based on the user selected communication option whereby said live financial advisor

may provide live financial coaching in a collaborative medium for sharing data between said

user and a live financial advisor upon the selection of a communication option from electronic

mail, online chat, voice or talk with stand alone telephone options (The applicant's claims are

directed to establishing a variety of automated communication options, in a web-based

environment, between user and live financial advisor to provide financial coaching and Webline

supported by Press release, " Webline Communications' Products Selected By Trimark

Investments To Increase Service On financial Adviser Web Site "; Business Wire; March 22,

1999, extracted on Internet from Dialog database on 02/26/2003 and combined with Schileru-

Key discloses the recited limitations (see at least Webline , page 2, under the head, " About the

WebLine Solution .... The Webline Collaboration Server enables company representatives to

share information with customers over the Web....while conducting a voice conversation or text

chat....integrating multimedia types-including PSTN calls, interactive Web sessions, e-mail, text

chat and voice-over-IP calls----", and head, " About WebLine Communications.....Customers

include .....financial services....such as Putnam Investments, Trimark Investment management

Inc......."). As per the disclosure in Webline that Trimark Investment management uses Webline

software a detail enabling disclosure is presented in the Press release, wherein it is explicitly

shown/suggested that Trimark, while using Webline software provides financial coaching (see

press release, page 1, "....Trimark is committed to providing leading-edge customer service in

the financial services industry....To enable this new real-time service option, Trimark has

implemented Webline Communications' Collaboration Server.......The Webline Collaboration

Server enables Trimark representatives to share information with financial advisers over the

Web-including Web pages, forms or applications.....allowing Trimark representatives to respond

to Web requests and telephone calls from within a common queue on their desktops and

provide a consistent, unified face to their customers to their customers........visitors to Trimark's

Financial Advisers Web site can click on a "Call Me Now" button......they can co-navigate the

Web, securely share electronic documents....").

Webline, as applied to claim 1-5, does not show providing financial modeling wherein the

financial modeling includes a profile of the user and directly providing automated customized

financial coaching based on the financial model such that said user is assisted in achieving

financial goals and optimizing long-term goals, and the financial coaching includes suggestions

for changes to a current financial portfolio of the user and wherein the suggestions include

financial products and recommended securities for the user to purchase. However, in the field of

same endeavor, Ray suggests providing financial modeling wherein the financial modeling

includes a profile of the user and automated customized financial coaching based on the

financial model such that said user is assisted in achieving financial goals and optimizing long-

term goals, and the financial coaching includes suggestions for changes to a current financial

portfolio of the user and wherein the suggestions include financial products and recommended

securities for the user to purchase. (see at least abstract, " *A computer implemented expert*

securities portfolio investment management system...operates as Registered Investment

Advisor......system automatically defines personal customer objectives, designs

portfolios....researches ......selects.....evaluates specific securities....", col.9, lines 29-65, "*.......*

...displaying investment recommendations, account information.....", col. 4, line 62-col.5, line

48, " *The first step is to determine the personal asset allocation model 115 which is derived from*

a look up table according to customer answers to a questionnaire .....The system compares

these variables to answers on a look up table to determine which level of risk is appropriate to

the investor......This approach permits the customer an extensive number of possible portfolio

designs. This breadth of diversity permits unusual depth of precision........is the beginning of

individualized management process...   present invention to operate as a RIA......" Note: In

Ray, the computer implemented method of defining personal customer objectives, designing

portfolios, displaying recommendations, determining asset allocation as per customer's

responses to a questionnaire and preferences for risk levels correspond to providing automated

customized financial modeling including a profile of the user, as claimed, and coaching such

that said user is assisted in achieving financial goals and optimizing long-term goals . RIA

dynamically analyzes the user's intentions by doing economic analysis, fundamental analysis,

technical analysis and risk/return analysis (see at least col.2, lines 19-39 and col.5, line 59-col.8,

line 62) and this process also corresponds to optimizing the customer's long-term goals.). Ray

teaches both the options that is providing financial advice to the client directly as well as

though a financial advisor (see Fig.2 and col.7, lines 30-37, " *Returning to FIG. 2, the transfer*

of recommended transaction information is accomplished through I/O ports 235 and financial advisor

personal computer 200 if customer is a financial advisor or log-in client personal computer 210 if

customer is a personal investor. Alternatively, the information may be provided to the financial advisor or

customer via facsimile.   "). The customer to whom the information is provided directly can be

either the client himself, that is "210" or a financial advisor "210" who could also pass on the

advice to his own customers. In view of Ray, it would have been obvious to a person of an

ordinary skill in the art at the time of the invention to have modified Webline, as applied to

claims 1-5, to incorporate the feature of directly providing financial modeling and coaching such

that said user is assisted in achieving financial goals and optimizing long-term goals. Doing so

helps the consumers in minimizing risks and creating efficient portfolios for their future, as

explicitly disclosed by Ray (see at least col.1, line 64-coo.2, line 4).

Webline in view of Ray , as applied to claims 1-5 does not show that the suggestions are presented in a natural language format via web. However, in the analogous field of answering verbal questions using remote devices by a natural language format system, Pustejovsky teaches that the suggestions are presented in a natural language format via web (see at least paragraph 0016). In view of Pustejovsky, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Webline in view of Ray as applied to claims 1-5 to incorporate the features of Pustejovsky of presenting suggestions in a natural language format because it would highly improve the efficiency of the system if the applicant/user could get his/her answers directly from the Internet or database in the natural language without going through a human, as explicitly disclosed in Pustejovsky, see paragraph 0012.

Webline in view of Ray and in view of Pustejovsky, as applied to claims 1-5, does not show establishing communication between said user and said live advisor transmitting streaming live video or still video clips upon the user's selection. However, in the same field of real interactive navigation via a network, Schileru-Key teaches the use of video clips and streaming live video (see at least col.4, lines 55-65, "....In one embodiment, the sequence is video clip.....in some embodiments, the image sequences may be shown using streaming video ") to provide an interactive navigation and exploration of real and virtual environments and to present auxiliary information related to points of interest (see at least col.1, line 55-col.2, line 15). In view of Schileru-Key, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Webline in view of Ray and in view of Pustejovsky as applied to claims 1-5 to incorporate the features of Schileru-Key of using video clips and streaming videos because to assist the users in interactive navigation of information being presented to them as explicitly disclosed in Schileru-Key (see at least col.1, line 55-col.2, line 15).

Ray teaches wherein the type of financial modeling. the type of financial coaching and the amount of communication between the user and the live financial advisor available to the

user is selected by the user from a plurality of service levels presented to the user in a service level agreement, wherein the plurality of service levels each include a unique combination of type of financial modeling. type of financial coaching and amount of communication between the user and the live financial advisor (see at least col.9, lines 29-43) teaches presenting a plurality of service levels to a user and allowing a user to select from any of three service levels: Aexpert R.I.A, Aexpert Alert and Aexpert Manager which are unique combination of services, that is different from each other. Further, the nature of content of service levels is non-functional matter which does not impact the manipulative steps of the claimed process or the system, that is not affecting functionally the steps of providing financial modeling/coaching, displaying options, enabling and establishing a communication and selecting a service level. Irrespective of the nature of content of service levels, the claimed process or the system components would execute the steps of providing financial modeling/coaching, displaying options, enabling and establishing a communication and selecting a service level). In view of Ray, it would be obvious to incorporate the features, wherein the type of financial modeling. the type of financial coaching and the amount of communication between the user and the live financial advisor available to the user is selected by the user from a plurality of service levels presented to the user in a service level agreement, wherein the plurality of service levels each include a unique combination of type of financial modeling. type of financial coaching and amount of communication between the user and the live financial advisor, because this would help the users to choose and pay for these services as per his requirement, convenience and paying capacity.

3.2.   With regards to system claims 9-13, and 16, and a computer program readable medium claims 17-18, 21, and 24, their limitations correspond to the limitations of method claims 1-5,

and are therefore analyzed and rejected using the same rationale under 35 U.S.C. 103(a) as being unpatentable over Webline in view of Ray in view of Pustejovsky and further in view of Schileru-Key.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(i) US Patent 6,606,606 to Starr discloses (see at least Abstract and col.7, lines 21-67) discloses allowing users to access information based upon different classes of levels, such that the information accessed is different for each class of level.
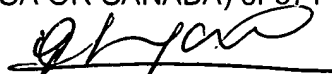

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The

examiner can normally be reached on M-F(8:30-4:00).

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

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would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
6/23/2006